

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## Alexandria Division

O R D E R

For the reasons stated in the accompanying Memorandum  
Opinion, it is hereby ORDERED that:

(1) Norfolk Southern Railway and RSI Leasing's Motion for Summary Judgment on Counts I and II is DENIED AS MOOT;

(2) City of Alexandria's Motion for Summary Judgment on Counts I and II is GRANTED;

(3) Norfolk Southern Railway and RSI Leasing's Motion for Summary Judgment on Count III is DENIED;

(4) City of Alexandria's Motion for Summary Judgment on Count III is GRANTED;

(5) Norfolk Southern Railway and RSI Leasing's Motion for Summary Judgment on Counts IV and V is GRANTED;

(6) City of Alexandria's Motion for Summary Judgment on Counts IV and V is DENIED; and,

(7) the Clerk of the Court shall forward copies of this Order to all counsel of record.

THIS ORDER IS FINAL.

April 15, 2009  
Alexandria, Virginia

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/s/  
James C. Cacheris  
UNITED STATES DISTRICT COURT JUDGE